

The Sentinel.

TUESDAY, APRIL 28.

Pensioners take notice. The House committee on claims have agreed that hereafter they will consider no claims whatever for compensation for bonds and treasury notes destroyed by fire or other accident, or so damaged as not to be identified by number. This decision shuts out a large number of claims of a similar character, and leaves to losers the only relief, application to the treasury department, where all such bonds and notes will be replaced by new ones, provided the former can be identified.

Mr. Cartwright has lately delivered his so-called budget speech in the Dominion parliament. He states that the estimated income for 1873-4 was \$21,740,000. Appropriations for all purposes amount to \$22,588,000; thus leaving a deficit of \$848,000. Previous to this year, there has been a surplus, while the estimate expenditures for 1874-5 are \$300,000 in excess of the expenditures of the present year. The revenues meanwhile have increased, notwithstanding the abolition of the tax on tea and coffee, and the custom duties for the year will probably show some increase. The exports have increased from \$59,500,000 in 1873-4 to \$62,750,000 in 1873-4. The minister proposes to raise an additional revenue of \$3,000,000 for next year to be levied principally on cigars, tea and coffee, and also on brandy, wines, tobacco, silks and satins.

Goldwin Smith's late letter on home or local rule in England seems to have been the result of an increasing political sentiment now springing up in Great Britain, and demanding the redress of grievances by conferred local jurisdiction. This feeling has become, indeed, quite bitter in parliament, and members of both parties regard the so-called "home rule" members as conspirators and traitors. This hatred seems to be most intense among the liberals, probably because the point of contact between them is closer. The greatest concern is manifested about Ireland, several of the Irish members being strongly in favor of this move as a cure-all for the sufferings and wrongs of their country. The opposition regard this as only a forerunner to the dominion of Catholicism and papal supremacy in the Emerald Isle, and hence they are naturally much agitated about the developed strength of the movement. To what all this discussion will ultimately lead, it is difficult at present to decide.

As an evidence of the means which are now going on to lessen the destruction of life and property both in mid-ocean and along our coasts, there is the reported completion of a chain of telegraph and life-saving stations along the entire coast between Norfolk and Cape Hatteras. No part of our eastern seaboard presents more dangers to mariners than does this distance which is literally strewn with wrecks, and the experience is frequent that more time is required in passing this portion of the coast than in the rest of the journey from some South American port to New York. But we are as yet without any safeguard in the now perilous voyage of crossing the Atlantic. The experience of last season has much of painful suggestion in it as regards the comparative safety of a transatlantic trip. Even the late sinking of the Europe was saved from being a disaster by the casual proximity of another steamer. Many aids to marine safety have, at different times, been suggested, but as no responsible or definite action has as yet been taken by our government regarding this matter.

You don't hear so much about "fraud" as the popular call just now. The attentive reader will perhaps see why. In the long lists of names which have been published from day to day the party folks recognize former prominent workers in their ranks. For instance, in the Hancock county call there appeared the names of the chairman of the republican county committee, and the chairman of the democratic county committee. In the call this morning the same suggestive thing happens. That's an illustration of the way the business is working throughout. Those who were at first timid and halting are falling into line with alacrity and the presses of this state which were opposed or indifferent, are now coming round in favoring comments. The friends of right-doing and public reform, could ask no better evidence of the awakening spirit among the people. The presence among the reform workers of men who have the most conspicuous places in both parties, attests the hold that the movement has on the people. Patience and endeavor will bring from this scattered seed of reform, the best fulfillment of political growth.

England has just been awakened from the carboniferous nightmare which has so long paralyzed her hopes by a cheering report from Mr. Hunt, the chief collector of statistics relating to mining operations. He explains that the coal commission, which a few years ago made enquiries into England's supply, never said that the amount was nearly exhausted. It merely gave a calculation that, if the population increased to such an extent that each person could scarcely find standing room, then the coal supply would be reduced to something like a hundred years. With this pleasing extension of the terrible prediction, the cheerful statistician proceeds to point out quite unlimited supplies of both coal and iron within English limits. There is an untouchable mass of coal extending from near Masepon on the north to the Tees on the south, and also three miles out in the German ocean, which it is now proposed to open up. There is, besides, a reasonable probability that a great coal field exists around the known coal mines of Nottinghamshire; also the fields of South Staffordshire and vicinity will yet produce from fifty to a hundred years before exhaustion. From observations, Mr. Hunt concludes that the

estimates of the depth at which mines could be worked are too small. One is worked in Belgium at 4,000 feet, and he believed it could be worked at 6,000 feet. It was an error to suppose that the temperature increased toward the center of the earth, the increase was in a diminishing ratio. As regards the manufacture of iron, the consumption of coal was gradually being diminished. But with all this forced cheerfulness, the prospects for England's coal supply one hundred years hence would yet seem to be a matter of the gravest importance and solicitude.

Dr. Cyrus Nutt, the President of the State University, has made an interesting contribution to the famous "prayer gauge test" which will probably arouse the advocate of that peculiar notion. The argument is contained in a sermon issued in a neat pamphlet. The motive which called forth the writing of the paper is given in the opening sentence: "the reasons why the christian world does not accept the 'prayer-test' of Professor Tyndall should be given to the public. The author then proceeds directly to a statement of the original 'prayer-test' suggested some three years ago by Tyndall in order 'to ascertain the exact value of prayer as a force in material nature.' The writer asserts that the simple presentation of such a test is suggestive of the belief that 'these scientists are under a misapprehension in regard to the true nature of prayer.' It is the opinion of the author that 'no christian supposes that prayer effects material nature directly, or that it can be properly called a force like heat, light, electricity, or gravitation; nor does it operate directly upon any of the material forces.' But the christian's view of prayer is 'that it is addressed to God, and moves God to act on matter, to adjust and readjust the causes and forces operating in the world of matter, as in the world of mind;' and, in answer to prayer, results are brought about different from what they otherwise would have been." To this "prayer-test" of Tyndall, as limited and qualified by the scientist themselves, the author then proceeds to state several "serious objections." First, is "its contempt for God's past revelations to man." It is asserted to be "a challenge sent to the Almighty to do his best, with the condition attached that, if his performance conforms to their notion of things, they will acknowledge him; if not, they will repudiate him." Besides, "they desire the devout, confiding and humble christian men and women of all lands to tempt the God they trust and love." Secondly, Dr. Nutt believes that "this challenge proposes an impossibility." To bring all the immense numbers of the Christian world to such an arrangement and faithfully to carry it into effect, is an impossibility. Of those praying, some by accident might pray for those in the prohibited sick ward, mistakes would be made as to time, etc.; some patients might be unwilling to enter the "godless ward," some would be forced to, and thus the rate of mortality thus increased would vitiate the value of the experiment. Thirdly, it is urged as an objection that "to comply with the proposed test would be wrong." This proposition, it is argued, "leaves out a small section, and requires that they shall not be prayed for," the christian is commanded to pray for all men. And again to offer such a prayer as this test requires, we must believe that it is God's will that those sick in the prayer-ward should be the special objects of his favor, while those in the other ward, God wills to pass by and leave without his sympathy or help." But christians are taught that God is no respecter of persons, etc. Fourthly, the proposed test "confounds two distinct planes of action—the spiritual and the material." "It seeks to transfer the laws and modes of matter to the realm of mind or spirit;" and besides "of the realm of the unseen and spiritual, and the laws by which it is governed, we know but little. It is absurd, therefore, to attempt to measure and test it by the laws and forces which govern matter." Again, it is argued that "such a test would be useless." For should the number of recoveries in the ward for which prayers were offered be far greater than in the prayerless ward, they (the scientific skeptics) "would immediately affirm that there was some mistake, and that the conditions were not complied with." Sixthly and last it is asserted that "we know that our prayers are answered," "and that material nature is affected;" "the sick are restored to health, dangers are averted, and success attends the efforts of God's people;" and it was finally believed that "the atheist, the materialist, and the most determined skeptic will, in the future as in the past, call upon God for mercy in spite of their false philosophy whenever they are surrounded by sudden and great peril."

Contrary to the almost universal expectation of its friends and enemies, the president has returned the inflation bill to the Senate, without his signature. He sets forth his reasons for this unexpected departure from party tradition in a document which ranks much higher as a state paper than anything that has hitherto emanated from his pen. His strongest argument for refusing to concur with the majority of the legislative branch of the government, is his record on the subject of resumption. He recites the fact that the people elected him on a platform which explicitly promised definite return to the principle of specie currency and resumption. That every one of his messages had dwelt at length on the same necessity and that he found it impossible, after an earnest struggle to bring himself to agree with the reasons which carried the bill. Both friends and enemies, will recognize the force of these statements, though it is very probable that the advocates of the purposes of the bill, will argue and fairly too, that the president should not set himself up as the judge of what the people most need, when the House and Senate, the majority of the people that the currency is insufficient and that a relief from present financial depression could be as-

sured by the adoption of some measure expanding the volume of paper. This has seemed a popular demand. Great meetings have been held here and elsewhere, to remind congress of the need of some such measure as a vital relief, and congress, listening to the voice of the people, gave up the entire session to the framing of a bill which should answer popular expectations. Whatever may have been the wisdom of such a bill, it is plain that under the circumstances General Grant is not justified in opposing what seems to be a majority of the people. A great majority of the active business men of the country, as well as the farmers, have made up their minds that a present flood of paper money would release them from the embarrassments consequent upon the panic, and as this is a government of the majority, the president should have no policy to conflict with the ascertained majority. That's not a safe doctrine. It is true in all cases, as one of the purposes of the executive office, is to serve as a check to unwise legislation when carried on under excitement or an inadequate acquaintance with the public sentiment. In this case the president might, it seems, have very safely satisfied his conviction of duty by a protest and, throwing off the responsibility on the congress and the people, dismissed the matter. As it is, the west, which is apparently very largely for inflation, right or wrong, will be angered into frenzy and a most unfortunate state of feeling engendered temporarily, between the sections. Such arguments as the president puts forth, can hardly be expected to change the sentiments of those who upheld the scheme for inflation and will tend rather to exasperate than mollify the disappointed.

It should not be very difficult to interest Indianapolis in any enterprise that promises the least improvement in butter. It is a practical question with which the victims of the professional boarding house have a too familiar acquaintance. Laying aside the disposition to jest, June 17 is to be a great day in Indianapolis. The Republican State Convention is set for that day, but a bigger and better thing will be better. The indications are conclusive already that the meeting of the "Association of Manufacturers and Dealers in Creamery and Factory Butter" (brief name) will be largely attended from all parts of the United States and the Canada. The president, Daniel W. Dake, is an enthusiastic and practical leader of this industry in the west. He is more to the western butter interest than Governor Seymour is to cheese in New York, because his own works are the admiration of visitors and learners who go far to examine them. Mr. Dake has offered from his own purse a list of six cash premiums, aggregating \$600 for the six best essays on butter making to be read at the convention here in June. The discussions on that occasion will doubtless awaken a new and valuable interest in the butter business of Indiana. As yet, few people are well aware of the magnitude of the butter production in this country, and of its rapid growth. In 1850, the total butter product of the United States was 312,945,306 pounds; twenty years later, in 1870, it is set down at 514,092,683 pounds, and last year the estimate is 650,000,000 pounds, worth at least two hundred million dollars. The average price of butter for each month of 1873 was from twenty-nine and a half to thirty-six cents per pound, and the figures of production are unquestionably far too low. It is confidently maintained that there never can be an over-production of good butter in this country, and that the business, in consequence, will always be profitable. But there is one very important fact worthy of thought at this point. Of all the articles of manufacture in the world, there is none in which there is so great failure in quality as in this. It is safe to presume that without a cent more of expense, simple care and skill might add at least twenty-five per cent. to the value of the whole product, or \$50,000,000 to the annual wealth of the nation. To promote this end is the object of the association to convene in this city June 17. It is hardly probable that the citizens of Indianapolis will undervalue the advantage to the city of this convention of delegates, nor fail to receive them in such a way as to impress strangers favorably with the Hoosier capital.

UNITED STATES SENATE CHAMBER, WASHINGTON, July 5, 1870.
PRESIDENT GRANT: Dear Sir—After much reflection I have decided that duty demands that I should write to you my views touching the proposed removal of Mr. Motley. I fear you will make a sad mistake if you remove him, and I beg of you to consider the case carefully before acting. His removal is believed to be aimed at Mr. Sumner. Right or wrong, this will be the construction put upon it. Can you, my dear sir, afford to have such an imputation rest upon your administration. Mr. Motley is one of the best known and most renowned of our countrymen. In letters he is recognized as one of the foremost living writers of our country or of the world. Once can add little to his reputation. Removal from office while it would wound his feelings, will not diminish his standing as a man or as a writer. I assure you, my dear sir, that the men of Massachusetts, who gave you more than 50,000 majority, are proud to number Mr. Motley among their most loved and honored sons. They remember that during the war his pen, voice and social influence and position were on the side of his struggling country. They were grateful to you for his appointment as minister to England. I need not say that they are surprised at the rumor that he is to be removed. They are pained to hear it said that his removal is on account of his opposition to the treaty. I know that nine-tenths of the people of my state were against it. I had nothing to gain and something to lose by such a vote. I am ready to take the consequences of that vote, but I am not insensible to the fact that the dismissal of Mr. Motley, under the circumstances, will not only be a loss to your administration, but a blow to the people. I believe, my dear sir, that the removal of Mr. Motley is a mistake. Your administration is menaced by great opposition, and it needs peace and unity among the people and in congress. The head of a great party, the president of the United States has much to forget and to forgive, but he can afford to be magnanimous. I am sure that you want to see the president and congress in harmony, and the republican party united and victorious. To accomplish this, we must all be just, charitable and forgiving. Very truly,
ALFRED WILSON.

THE PRESIDENT'S POLICY.

AN EMBARGO ON THE FINANCE BILL.

HE MUST KEEP TO HIS RECORD.

THE PRESIDENT RETURNS THE FINANCE BILL WITHOUT HIS SIGNATURE—THE REASONS SET FORTH IN HIS MESSAGE.
WASHINGTON, D. C., April 22.—The following is the president's veto message:
To the Senate of the United States:
Herewith I return Senate bill No. 617, entitled, "An act to fix the amount of United States notes and the circulation of the national banks, and for other purposes," without my approval. In doing so I must express my regret at not being able to give my assent to a measure which has received the sanction of a majority of the legislators chosen by the people to make laws for their guidance, and I have studiously sought to find sufficient arguments to justify my dissent, but unsuccessfully. Practically, it is a question whether the measure under discussion would give an additional dollar to the irredeemable paper currency of the country or not, and whether, by requiring three-fourths of the reserves to be retained by the banks, and prohibiting interest to be received on the balance, it might not prove a contraction. But the fact cannot be concealed, that, theoretically, the bill increases the paper currency \$100,000,000, less only the amount of reserves retained from circulation by one second section. The measure has been supported on the theory that it would give an increased circulation. It is a fair inference, therefore, that if, in practice, the measure should fail to create the abundance of circulation expected of it, the friends of the measure, particularly those out of congress, would clamor for such inflation as would give the expected relief. The theory, in my belief, is a departure from the true principles of finance, of national interest, of national obligations to creditors, of congressional promises, of party pledges on the part of both political parties and of the personal views and promises made by me in every annual message sent congress and in each inaugural address. In 1869 the following passage appeared: "Among the evils growing out of the rebellion and not referred to by the late act, is the irredeemable currency. It is an evil which I hope will receive the most earnest attention. It is a duty and one of the highest duties of the government to secure to the citizen, a medium of exchange of fixed and unvarying value. This implies a return to a specie basis and no substitute for it can be devised. It should be commenced now and reached at the earliest practicable moment consistent with a fair regard to the interest of the debtor class. Immediate resumption, if practicable, would not be desirable. It would compel the debtor class to pay beyond their contracts the premium on gold at the date of their purchase, and would bring bankruptcy and ruin to thousands. Fluctuations, however, in the paper value of the measure of all values, of gold, is detrimental to the interest of trade. It makes the man of business an involuntary gambler, for in all sales, where future payment is to be made, both parties speculate as to what is to be the value of the currency to be paid and received. I earnestly recommend to you that such legislation as will insure a gradual

RETURN TO SPECIE PAYMENTS
and put an immediate stop to fluctuations in the value of currency." I still adhere to the views then expressed. As early as December 4, 1865, the House of Representatives passed a resolution by a vote of 143 yeas to 6 nays, concurring in the views of the secretary of the treasury in relation to the necessity of a contraction of the currency with a view to an early resumption of specie payments, as the business interests of the country would permit and pledging co-operation to this end, as speedily as possible. The first act passed by the forty-first congress, on the 18th day of March, 1869, was as follows: "An act to strengthen the public credit of the United States; be it enacted, etc., that in order to remove any doubt as to the purpose of the present act to discharge all its obligations to the public creditors, and to settle conflicting questions and interpretations of the law by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States, and of all the interest bearing obligations, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money, or in other currency than gold and silver. But none of said interest bearing obligations not already due shall be redeemed or paid before maturity, unless at such times as the United States notes shall be convertible into coin at the option of the holder, or unless such time as the bonds of the United States bearing a lower rate of interest than bonds to be redeemed can be sold at par in gold. And the United States also solemnly pledge its faith to make provision at the earliest practicable period. This act shall remain as a continuing pledge of the faith of the United States to make provision at the earliest practicable moment for the redemption of the United States notes in coin. A declaration contained in the act of June 25th, 1864, created an obligation that the total amount of United States notes issued, or to be issued, should never exceed four hundred millions of dollars. The amount in actual circulation was actually reduced to three hundred and fifty-six millions of dollars, at which point congress passed the act of February 4th, 1868, authorizing the payment in coin of the currency. The forty-four millions have been regarded as a reserve to be used only in case of an emergency such as has occurred on several occasions and must occur when from any cause the revenues suddenly fall below the expenditures and

SUCH A RESERVE IS NECESSARY
because the fractional currency, amounting to \$50,000,000, is redeemable in legal tender on call. It may be said that such a return of fractional currency for redemption is impossible, but let steps be taken for a return to a specie basis, and it will be found that silver will take the place of fractional currency as rapidly as it can be supplied when the premium on gold reaches a sufficient low point. With the amount of United States notes to be issued permanently within proper limits, and the treasury so strengthened as to be able to redeem them in coin on demand, it will then be safe to inaugurate a system of free banking, and such provisions as are necessary to secure the redemption of the circulating notes of banks in coin or in United States notes, themselves redeemable, and made equivalent to coin as a measure preparatory to free banking, or for placing the government in a condition to redeem its notes in coin at the earliest practicable moment. The revenues of the country should be increased so as to pay the current expenses, to provide for the sinking fund required by law, and also a surplus to be retained in the treasury in gold. I am not a believer in any artificial method of making paper money equal to coin, when coin is not owned or held ready to redeem the promises to pay. For paper money is nothing more than promises to pay, and is valuable exactly in proportion to the amount of coin that can be converted into it. While coin is not used as a circulating medium, or the currency of the country is not convertible into it at par, it becomes an article of commerce as much as any other

product. The surplus will seek a foreign market, as will any other surplus. The value of trade has nothing to do with the question. The duties on imports being required in coin, create a limited demand for gold, and about enough to satisfy that demand remains in the country. To increase this supply I see no way open but by the government's hoarding through the means above given and possibly by requiring the national banks to aid. It is claimed by the advocates of the measure herewith returned that there is an unequal distribution of the banking capital of the country. I was disposed to give great weight to this view of the question at first, but, on reflection, it will be remembered that there still remains \$4,900,000 of authorized bank note circulation, assigned to states having less than their quota of bank circulation. They have the option of \$20,000,000 more to be taken from those states having more than their proportion. When this is all taken up, or when specie payments are fully restored, or are in rapid process of restoration, will be the time to consider the question of more currency.

U. S. GRANT.
Executive Mansion, April 22, 1874.

ARKANSAS BLOOD SPILLED.

A RIOT IN THE STREETS—PROMPT ACTION BY THE NATIONAL TROOPS—ALL QUIET AGAIN.

LITTLE ROCK, Ark., April 21.—About 5 o'clock, the colored troops under the command of Colonel King, white, paraded the streets preceded by a brass band. After marching around several streets they were halted in front of the Metropolitan Hall, the band played a lively air, the troops fronted the hotel and yelled for Governor Baxter. He appeared on the balcony and made them a speech. Amidst the wildest cheers he stated that an insurrection had broken out, and the archives of the government were in the hands of the insurgents; that they had been called together for the purpose of vindicating the rights of the people of Arkansas, not the rights of Elisha Baxter. He stated that he was making preparations for, and intended to assert, his rights as governor of the state. He called on them to be patient and quiet and to conduct themselves in an orderly manner and in due time the proper order would be given them to assert the rights of the people. At the close of the speech the band played "Red, White and Blue." By this time Main street, above the head of Colonel White's column, the intersection of Main and Markham streets, was filled with men, principally Brooks' sympathizers who were looking on. The sidewalks were also crowded, and the upper story windows of all the buildings around had either armed men in them or citizens. Colonel Rose was sitting on his horse in the center of the street. When the band ceased three cheers were given for Colonel White, and he made a short speech. Addressing the governor, he stated that the colored men had come here to see that Baxter was reinstated in the state house and let it take one day or one year, they would stand by him. All they prayed for were orders to take the state house. At this time again the wildest cheering, and the band commenced playing "Just as I am." The crowd in the street near the Metropolitan Hotel. This action caused the Baxter men to return the fire. The colored troops rapidly retreated from the streets and the firing was very lively for a few minutes, the Baxter men running up the street and the others giving way. Amidst this Colonel Rose rode rapidly to the city hall, called out his company, barricaded the city temporarily with a hook and ladder truck, and formed his men behind it across the street in a solid column. He prevented an advance of the Baxter men. About two hundred shots were fired. The street was cleared of men in a short time. Several Baxter men were wounded. Major D. F. Shall, who was at the Anthony House, received a wound in the head, from which he is not expected to recover. General W. A. Crawford, received a painful wound on his head, though it is not fatal. One or two others were slightly hurt. In the midst of this the company of United States troops at the Federal Court room and the two pieces of artillery were removed to the corner of Second and Louisiana streets, and made ready for action. General Newton mounted a horse and got all his men out on the various streets ready to repel an attack. Since dark the men have been marched back to their quarters and the excitement is about over. During the excitement a colored woman jumped out of the second story of the Metropolitan and broke her leg.

ANOTHER ACCOUNT.

HOW THE ROW BEGAN—AN ALTERCATION—LIST OF CASUALTIES.

LITTLE ROCK, ARK., April 21.—After some pains to ascertain the facts of the skirmish this evening, the following is given by numbers of eye-witnesses: Colonel Rose, the post commander, rode abruptly up to Colonel White through his band, his horse knocking down several members of the band. He asked Colonel White if he intended to advance his troops any further, receiving a negative reply. Colonel White said then that he had no right to ride through his men in that manner. A few hot words followed, when Colonel Rose pulled his pistol, cocked it and struck at the latter. The latter threw his hand up and knocked the pistol off, which fired it in the air. Col. Rose's orderly took a pop at White immediately; then commenced the firing. Col. Rose turned and rode up the street to the city hall, and formed his men across the street, as previously telegraphed. Most of the firing from the Brooks side was from the Metropolitan Hotel windows. Another crowd was below on the pavement, and aimed at the Anthony House. The United States flag waving in front of Gov. Baxter's headquarters was pierced by several bullets. Several colored men were wounded, one in the foot, another in the leg and one in the ear. Colonel D. O. Sullivan, of the Brooks side, who was standing on the sidewalk opposite the Metropolitan, was shot through one of his legs, and broke it. He then walked up opposite the city hall and received another shot in the other leg, breaking it. James Hill, a hack driver, was shot in the hip. Major Shall, who was shot in the head, died a few minutes ago. The shot was fired by a United States soldier opposite the city hall. The city is quiet now. One or two men companies arrived to-night to assist Baxter.

SINKING OF A STEAMBOAT.

IN THE OHIO RIVER.

EVANSVILLE, IND., April 21.—The steamer Cannel was perforated by a floating log, which caught between her and the bank, at Raleigh, at six o'clock last night, and immediately went to pieces, and sunk in 40 feet water. The boat and cargo are a total loss. No lives lost. The officers and crew arrived here by the Red Cloud, entered protest, and proceeded to Louisville by the Arlington. The cargo was valued at \$80,000, insured in Cincinnati and Louisville. The boat was uninsured. She was owned by Captain Leo Crane and William Varble, and valued at \$3,000. The officers and crew lost most of their effects.

AMERICAN LAW.

A SUCCINCT STATEMENT—REVIEW OF CHANCELLOR KENT.

The North American Review for April, contains a review of Kent's Commentaries, from which the following striking points are epitomized: There is probably no lawyer, not otherwise conspicuous, whose name is more widely known and respected among the public at large in this country, than that of Chancellor Kent. Professional merit must, in general, find its only lasting reward in the applause of the profession. The reputation of judicial learning and forensic eloquence extends but little beyond contemporary affairs, often hardly beyond personal acquaintance; while more permanent work, embodied in written judgments and treatises, however great and enduring its effect may be, gains no credit for its authors, except among those whose business obliges them to study it. Happy, indeed, is the judge or commentator who is known and appreciated even by more than a small section of what is called by courtesy, a learned profession. The fate of Kent in this respect, has, however, been exceptional. His book has made him a reputation which flourishes, vaguely enough, to be sure, among thousands who never heard of Lord Hardwicke or Chief Justice Marshall, and it is cited and revered as an oracle by hundreds of lawyers throughout the United States, who would doubtless agree with King James' profane comparison of Coke's writings to the peace of God, which passeth all understanding. What is the reason of this popularity? It is to be found, not so much in the ability of the author, as in the fact that he was great; nor in his style, for that is dry to the last degree; but in his good fortune in the choice of a subject. The

AMERICAN LAW IS BASED, as every one knows, upon the English; and until the revolution it was, so far as it went, nearly the same; nor, after that time, was the departure very rapid at first. Justice continued to be administered under the same forms and by the same rules as before; and in the absence of precedents of their own to govern them, the courts continued to rely on the opinions of English judges to guide them in the exposition of our common system; and these opinions, though not technically of the same authority as during the colonial period had practically, and indeed still have, in a great measure, almost as much weight. The state of Kentucky did its best to set up a common law of its own, by the enactment that no decision of any English tribunal since July 4, 1776, should be cited in the courts of the state; but this was a singular instance, and the peculiar authority which appeared in our laws, in this day its most remarkable feature, was the course of decision caused by our system of written constitutions. This system gave to the courts a power unknown to the common law—that of annulling the acts of other branches of the government, as contrary to the supreme law of the land; and under it continually arose important questions as to the lawful powers of the government, and especially of the legislature. This class of questions found no precedent, and, till lately, no parallel; although, in substance, some kind are now, it is said, beginning to puzzle the courts of the Dominion of Canada, where the powers of the provincial parliaments were limited by the fundamental act of confederation of 1867, much as those of our legislature are restricted by the constitutions of the states and of the United States. The political effects of these instruments are those to which public attention has been mainly directed; but their effects on

PRIVATE RIGHTS
have also been remarkable. One provision, for instance, is common to them all—the preservation of the right of trial by jury both in civil and criminal cases. The result of this in the former class of cases, is, that trifling disputes of all sorts, which ought to be settled in a summary way by the decision of a single magistrate, are carried by the appeal before a jury, and attended at infinite cost of time, trouble and money; and the legislature is powerless to provide a remedy, as has been done in England, by making the summary jurisdiction of the inferior magistrates final in small cases. In criminal cases, again, the constitutional provisions as to the forms of trial, a substantial and not a mere shadow, have been construed so as to secure to the prisoner the chance of escape by any of the technical technicalities known to the ancient common law; and objections which might formerly be looked upon with favor, as affording a remedy to a man from a penalty out of all proportion to his offense, are suffered still to prevail to protect petty rascals from well deserved sentences. It should be an interesting task, and space permit, to follow out the workings of our constitutional restrictions in the administration of every-day justice in our courts, and to show how this would require a whole book of itself. The earliest and most remarkable departures of the American law from English law, which was founded, are this readily traceable to our peculiar form of government. But there are also many subjects in no manner connected with where the course of legislation and of judicial decision throughout the United States, though generally consistent with the English, are

VARIED FROM THE CURRENT
of the authorities in England; often merely anticipating changes which have come later on the other side of the Atlantic, as in the familiar instances of the laws restricting imprisonment for debt, and those extending the rights of married women; and often, again introducing strange novelties, the results of which are yet very doubtful. It is easy enough, now, for a lawyer, or for any person whose attention is merely to the decision of a single magistrate, to carry by the appeal before a jury, and attended at infinite cost of time, trouble and money; and the legislature is powerless to provide a remedy, as has been done in England, by making the summary jurisdiction of the inferior magistrates final in small cases. In criminal cases, again, the constitutional provisions as to the forms of trial, a substantial and not a mere shadow, have been construed so as to secure to the prisoner the chance of escape by any of the technical technicalities known to the ancient common law; and objections which might formerly be looked upon with favor, as affording a remedy to a man from a penalty out of all proportion to his offense, are suffered still to prevail to protect petty rascals from well deserved sentences. It should be an interesting task, and space permit, to follow out the workings of our constitutional restrictions in the administration of every-day justice in our courts, and to show how this would require a whole book of itself. The earliest and most remarkable departures of the American law from English law, which was founded, are this readily traceable to our peculiar form of government. But there are also many subjects in no manner connected with where the course of legislation and of judicial decision throughout the United States, though generally consistent with the English, are

FARTHER TO BE PLUNDED;
while in another the unreasonable and oppressive legislation directed against the traffic in liquors has accustomed the people to the edifying spectacle of laws which are openly, notoriously and incessantly violated, as a matter of course, by all classes of the community. All this since Chancellor Kent died, 25 years ago; and when he began to write, 25 years before that, the growth of the American law, which is far less rapid, less eccentric and less noticeable. But even these many peculiar features of our jurisprudence were beginning to appear, which required an elementary book to explain them. Kent was, in fact, the first to perceive the existence of a subject so large and important, and the first to attempt a systematic treatment of it. His book had but to appear to make its importance generally acknowledged. It became at once, and has ever since continued to be, not only the standard, but the only authority; it kept possession of the field which it was the first to occupy, and is not likely to be superseded; and many generations of lawyers will doubtless continue to study it as the foundation of their professional knowledge. Indeed, without some weariness of spirit, and sympathy with students who, as related by one of them, were attracted by the Chancellor's reputation, it is hard to attend the first delivery of the lectures which form the substance of the book, but whose patience was soon wearied by the reputation of the lecturer's style, and who mostly vanished after the first term.